

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m.

June 9, 2016

Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, Carol Pyles, William Blosser, Sam Loretta, Bill Kawecki, Michael Shuman, and Tim Stranko

COMMISSIONERS ABSENT: Bill Petros and Charles McEwuen

STAFF PRESENT: Christopher Fletcher, AICP

I. CALL TO ORDER/ROLL CALL: DeMasters called the meeting to order at 6:30 p.m. and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

II. GENERAL PUBLIC COMMENTS:

DeMasters recognized James Giuliani of 256 Prairie Avenue who noted the Commissioner absent has been present at all prior hearings to review the project and expressed concerns on the voting process. Giuliani expressed that Staff Reports are recommendations and it is the burden of the Planning Commission to review and make sure the information provided in the reports is true. Giuliani stated he objects to the project being heard by the Planning Commission as he claims there is an annulment ordinance that says a permanent structure can't be built across a street or an annulled right-of-way. Giuliani expressed the City needs to follow their own rules and those rules need to be consistent and not be conflicting.

DeMasters recognized Dow Jones of 2041 University Avenue who referred to a map that he distributed to the Commissioners in regards to the Fourth Street right of way. Jones stated there have been three instances where he and other developers have wanted to buy parcels and annul the Fourth Street right-of-way. They were told by Terry Hough, former City Engineer, that no permanent structures could be built across a right-of-way and only a parking lot could be constructed on those Parcels. Jones expressed that if the annulment rule has not changed and a project is allowed to be built on an annulled right-of-way, then the City has cost him a financial hardship.

III. MATTERS OF BUSINESS:

A. Approval of the May 12, 2016 meeting minutes: Stranko moved to approve as amended by Commissioner Blosser; seconded by Pyles. Motion carried unanimously.

IV. UNFINISHED BUSINESS:

- A. **S15-09-III / Standard at Morgantown LLC / 1303 University Avenue:** Request by J. Wesley Rogers, on behalf of Standard at Morgantown, LLC, for a Type III Development of Significant Impact Site Plan approval at 1303 University Avenue; Tax Map 26A, Parcels 6 thru 15; B-4, General Business District. This petition was continued at the Planning Commission's March 10, 2016 and April 14, 2016 hearings.

Fletcher referred to the meeting packet and noted the additional correspondence received since the May 12, 2016 Planning Commission hearing.

Fletcher stated City Engineer Damien Davis was in attendance for the hearing as requested by the Commissioners at the May 12 Planning Commission hearing.

DeMasters asked Commissioners if they had questions for Davis regarding the project.

Stranko asked Davis if he had reviewed the traffic study provided in the meeting packet and if he agreed with the conclusions of the study. Davis confirmed.

Stranko asked Davis if he had any concerns with the traffic study. Davis stated that he did not.

Stranko asked Davis if his position is that the serviceability of the road is not significantly changed by the Standard Project. Davis confirmed.

DeMasters noted that Petros raised concerns with pedestrian traffic at the University Avenue and Fayette Street intersection in a prior hearing and asked for further explanation.

Davis explained that the University Avenue and Fayette Street intersection has a concurrent signal, which means pedestrians move parallel to traffic and therefore pedestrians do not impact north bound or south bound traffic and would only impact turning vehicles.

DeMasters asked if the University Avenue and Walnut Street intersection has a signal that allows for vehicles to stop and allow for all pedestrians to cross. Davis confirmed and noted it is an exclusive or all red situation.

DeMasters asked for further explanation on the University Avenue and Fayette Street intersection. Davis provided further explanation and noted there are three crosswalks at that intersection.

Loretta noted the report is based on pedestrians crossing legally. Davis confirmed and said he doesn't see many people crossing at that crosswalk but rather using a crosswalk near Hough Street.

Loretta expressed that with the addition of the new building that people will want to utilize the crosswalk at Beechurst. Damien stated that is hard to predict and noted it is a state road and even though the state will consider the City's input, they will choose how to control the signals.

Stranko referred to abandoned paper streets and noted a lot of those streets have underground utilities and asked if the City allows structures to be built on these streets. Davis stated one would need to retain a utility easement preventing the development of a permanent structures.

Stranko asked if the same constraints exist for abandoned paper streets that don't have underground utilities. Davis stated that the same constraints do not exist. Stranko asked if that is the case for the current project. Davis explained that utilities are being relocated by the developer and the annulment will not go through until relocation is completed.

Stranko asked if they would allow someone to relocate utilities on abandoned paper streets and then build on them. Davis confirmed and explained the City requests a letter from utility companies to state if utilities exist they do not lay claim to the utility corridor once they relocate.

Loretta asked if letters exists for the current project. Davis confirmed.

Stranko asked if President DeMasters will allow comments. DeMasters stated no comments will be heard.

Stranko moved to approve Case No. S15-09-III with Staff's twelve (12) recommended conditions; seconded by Kaweck. Motion carried 4-3 with Loretta, Shuman and Pyles voting nay.

Loretta asked if the final decision will be up to the judges. DeMasters stated the Planning Commission is done with their part.

- B. MJS16-01 / Stonehurst, LLC / Buckhannon Avenue:** Request by Trevor Lloyd of Cheat Road Engineering, on behalf of Stonehurst, LLC, for a major subdivision approval to create 19 parcels from a tract of land accessed from Buckhannon Avenue; Morgantown District, Map 42, Parcel 25 and Morgan District, Map 10, p/o Parcel 8; R-1, Single-Family Residential District. This petition was tabled at the Planning Commission's May 12, 2016 hearing. – **POSTPONED AT THE REQUEST OF THE APPLICANT**

Fletcher stated that Staff received communication from petitioner requesting to postpone the petition due to a medical procedure. No action by the Planning Commission is required.

- C. TX16-03 / Administrative / Bicycle Storage:** Administratively requested Zoning Text Amendments to Articles 1329.02, 1349.08, and 1365.04 of the City's Planning and Zoning Code as they relate to establishing bicycle storage requirements for Developments of Significant Impact. This petition was tabled at the Planning Commission's May 12, 2016 hearing.

Fletcher stated the Planning Commission met with the Bicycle Board for a workshop on June 2, 2016 as it was advertised and then noted the Commissioners in attendance. Fletcher provided a quick overview of what was discussed at the workshop and stated additional research and response preparation needs coordinated between the Planning Division and the Bicycle Board and as such Staff requests the amendment stay on the table for the July 14, 2016 Planning Commission hearing.

V. NEW BUSINESS:

- A. MNS16-06 / Palmer / 271 Webster Avenue:** Request by Vince Palmer, for minor subdivision approval of property located at 271 Webster Avenue; Tax Map 41, Parcels 161, 162.1, and 162.2; R-1A, Single-Family Residential District.

Fletcher presented the Staff Report.

Fletcher stated the petitioner requested Staff to represent the petition and referred to Addendum A in the meeting packet. Fletcher explained the petitioner wants to combine three parcels into one parcel to allow for an accessory structure.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to recommendations report. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Kawecki moved to approve Case No. MNS16-06 with Staff recommended conditions; seconded by Stranko. Motion carried unanimously.

- B. TX16-05 / Administrative / Fireworks Sales:** Administratively requested Zoning Text Amendments to the City's Planning and Zoning Code as they relate to establishing regulations for the sale of fireworks.

Fletcher presented the Staff Report and provided further explanation of the amendments. Fletcher stated the sale of consumer fireworks became legal on June 1, 2016 in West Virginia. Fletcher noted Staff did not learn of the changes in time to get the amendments before the Planning Commission and Council prior to June 1, 2016.

Loretta asked if a new application has to be submitted to renew permits. Fletcher explained that conditional use approval can be obtained to sell fireworks in the B-2 District. Additionally, temporary use permits can only be granted to sell consumer fireworks between June 7 and July 6 each year with no extensions permitted under the proposed amendments.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to recommendations report. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher presented the Staff recommendations.

Stranko moved forward a favorable recommendation to City Council to amend Case No. TX16-05; seconded by Shuman. Motion carried unanimously.

VI. OTHER BUSINESS

A. Committee Reports

- Traffic Commission:

Blosser stated the Traffic Commission did not meet this month due to lack of quorum but a group still met to discuss how best to serve the community and structure their meetings in a more open way.

- Green Team: No report.

B. Staff Comments: None.

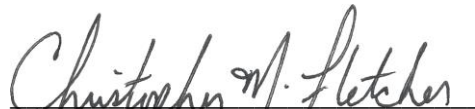
VII. FOR THE GOOD OF THE COMMISSION:

VIII. ADJOURNMENT: 7:22 PM

MINUTES APPROVED:

July 14, 2016

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP